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|--|-------------|----------------------|---------------------|------------------|
| 09/981,317   | 10/16/2001  | Sam Wen              | INVE25US            | 4965             |
| 23370  | 7590        | 04/12/2006           | EXAMINER            |                  |
| JOHN S. PRATT, ESQ<br>KILPATRICK STOCKTON, LLP<br>1100 PEACHTREE STREET<br>ATLANTA, GA 30309 |             |                      | HARRELL, ROBERT B   |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2142                |                  |

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/981,317

Applicant(s)

WEN ET AL.

Examiner

Robert B. Harrell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>see attached Office Action</u> .       |

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1. Claims 1-43 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The claims are more directed to transferring Internet chat sessions from one agent to another agent in an agent and customer chat session.
3. The specification is objected to for the use of "magically" on page 2 (line 18 (paragraph [0007])).
4. The applicant should use this period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks <sup>TM</sup>, and other legal symbols ®, where required, and clarity of meaning in the Specification, Drawings, and specifically the claims (i.e., provide proper antecedent basis for "the" and "said" within each claim). Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.
5. The following is a quotation of the second paragraph of 35 U.S.C 112:

***The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.***

6. **Claims 1-43 are rejected under 35 U.S.C 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The scope of meaning of the following claim language is not clear:

a) "the transfer"--claim 1 (line 1).

7. As to 6 (a) above, this is but an example of numerous cases where clear antecedent basis are lacking and not an exhausting recital. Any other term(s) or phrase(s) over looked by examiner and not listed above which start with either "the" or "said" and do not have a single proper antecedent basis also is indefinite for the reasons outlined in this paragraph. Also, this is but an example where term(s) or phrase(s) are introduced more than once without adequate use of either "the" or "said" for the subsequent use of the term(s) or phrase(s). Moreover, multiple introduction of a term, or changes in tense, results in a lack of clear antecedent basis for term(s) or phrase(s) which relied upon the introduced term. Failure to correct all existing cases where clear antecedent basis are lacking can be viewed as non-responsive. Nonetheless, should a response yield all claims allowable short *a few* cases where clear antecedent basis are lacking within the claims, a preemptive authorization to enter an examiner's amendment to the record to correct such would accelerate a notice of allowance over a final rejection. Such could be added at the end of an applicant's response with the following statement: "Examiner is hereby authorized, without the need of further contact by examiner, to enter an Examiner's Amendment

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to correct any cases where antecedent basis are lacking.” if the applicant so elects. This does not diminish the applicant’s requirement to correct all such cases not so listed in the example few given above nor prohibit any amendments after a notice of allowance by the applicant.

8. Each independent, and thus dependent claim, recite “a first device of an agent”. However, there is not a –second device of an agent— and thus it cannot be clearly ascertained how many device(s) of an agent are encompassed by the defined invention.

9. Each independent, and thus dependent claim, recite “a second device of a customer”. However, there is not a –first device of a customer— and thus it cannot be clearly ascertained how many device(s) of a customer are encompassed by the defined invention.

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this action:

**A person shall be entitled to a patent unless -**

**(e) the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;**

11. **Claims 1-43 are rejected under 35 U.S.C. 102 (e)** as being anticipated by Shafiee et al. (United States Patent Number: US 6,771,766 B1).

12. Prior to addressing the grounds of the rejections below, should this application ever be the subject of public review by third parties not so versed with the technology (i.e., access to IFW through Public PAIR (as found on <http://portal.uspto.gov/external/portal/pair>)), this Office action will usually refer an applicant’s attention to relevant and helpful elements, figures, and/or text upon which the Office action relies to support the position taken. Thus, the following citations are neither all-inclusive nor all-exclusive in nature *as the whole of the reference is cited* and relied upon in this action as part of the substantial evidence of record. Also, no temporal order was claimed for the acts and/or functions.

13. Per claim 34, Shafiee taught a method (e.g., see Title) of operating a destination device (e.g., see figure 18 (130b)) to facilitate a communication between a first device of an agent (e.g., see figure 18 (130a)) and a second device of a customer (e.g., see figure 18 (110)) using an intermediate device (e.g., see figure 18 (150)), the method comprising the steps of:

a) establishing a first textual communication session (e.g., “chat” per Abstract (“Web”), and col. 2 (lines 56-59)) between the first device and the second device (e.g., see figure 18 (1802));

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- b) receiving first communication session information from said intermediate device (e.g., see figure 18 (1805, 1810, and 1815), and col. 19 (line 26-et seq.));
- c) causing a second communication session to be created wherein the second communication session involves textual communication (e.g., see figure 18 (1830-1850), and col. 2 (lines 56-59));
- d) causing said second device to be connected to said destination device (e.g., see figure 18 (130b)) via said second communication session (e.g., see figure 18 (1870), col. 2 (lines 56-59), and col. 19 (line 26-et seq.));
- e) causing said first communication session information to be associated with said second communication session (e.g., see col. 19 (line 26-et seq.));
- f) causing said second communication session be terminated without disconnecting said second device of said customer from said destination device (e.g., see figure 18 (1825));
- g) when a third device of a second agent becomes available for connection to said second device, causing a third communication session to be created wherein the third communication involves textual communication (e.g., see figure 18 (1870-1885), and col. 2 (lines 56-59)); and,
- h) causing said second device and said third device to be connected via said third communication session (e.g., see figure 18 (1870-1885), col. 2 (lines 56-59), and col. col. 19 (line 26-et seq.) (i.e., Internet Web Browser refresh/redirect to log-in to the other agent 130b while keeping in mind the standards used on the Internet (i.e., IP addresses, TCP/IP, HTTP requests for opening ports such as port 80 for push/pull of data, chat session ID (server, channel, room, exc...), and the like)).

14. Per claim 35 and claim 36, see figure 18 (1805, 1810, 1815, and 1820) and col. 19 (line 26-et seq.).

15. Per claims 1-33 and 37-43 these claims do not teach or defined above the correspondingly rejected claims given above, and are thus rejected for the same reasons given above and/or has been shown in the sections cited above by the reference and/or by the reference itself. However, per "list" see figure 7, figure 8, and col. 11 (lines 5-31), while "warm transfer page" (as covered in the specification of this application) is a refresh/reset akin to a "warm boot" of a system without a total reset of the browser).

16. The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this office action:

a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103, examiner presumes that the subject matter of the various claims was

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commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligations under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. 102 (f) or (g) prior art under 35 U.S.C. 103.

18. Claims 1-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shafiee et al. (United States Patent Number: US 6,771,766 B1 ).

19. Prior to addressing the grounds of the rejections below, should this application ever be the subject of public review by third parties not so versed with the technology (i.e., access to IFW through Public PAIR (as found on <http://portal.uspto.gov/external/portal/pair>)), this Office action will usually refer an applicant's attention to relevant and helpful elements, figures, and/or text upon which the Office action relies to support the position taken. Thus, the following citations are neither all-inclusive nor all-exclusive in nature as the whole of the reference is cited and relied upon in this action.

20. That which was anticipated was obvious.

21. Per the limitations directed to a "list". While it was anticipated that an agent knew to whom to transfer a chat session, such nonetheless would have been obvious (i.e., "I will transfer you to Tom who can better answer that question unless you would like to Sue who has had experience with this matter.") akin to telephone chat session transfers.

22. It would have been obvious to one skilled in the data processing art to provide the directory information of figure 7 and figure 8 (per col. 11 (lines 5-31)) to the first agent such that the first agent would know with whom to best continue the chat session or answer, better, the customers question similar to telephone directory lists for call char session transfers.

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23. *A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the data of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02, 710.02(b)).*

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (571) 272-3895. The examiner can normally be reached Monday thru Friday from 5:30 am to 2:00 pm and on weekends from 6:00 am to 12 noon Eastern Standard Time.

25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew T. Caldwell, can be reached on (571) 272-3868. The fax phone number for all papers is (703) 872-9306.

26. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

A handwritten signature in black ink, appearing to read "R. B. Harrell", with a stylized flourish at the end.

ROBERT B. HARRELL  
PRIMARY EXAMINER  
GROUP 2142